UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,008	06/04/2001	Atsushi Teshima	5-052US-FF	3645

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EXAMINER
TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 July 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>3-6,8 and 10-19</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>3-6,8 and 10-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment and Arguments

1.   Applicant's response to the last office action, filed April 21st, 2004 has been entered and made of record.

2.   Applicant has canceled claims 1, 2, 7 and 9. Applicant has amended claims 3-6, 8 and 10. Applicant has added new claims 11-19. Claims 3-6, 8, and 10-19 are pending.

3.   Applicant's arguments have been fully considered and entered, but are not are persuasive for at least the following reasons.

4.   Applicant argues that U.S. Patent 6,658,167 to Lee et al. does not disclose "request data receiving means for receiving request data transmitted from the request data transmission means in the second client device" and "image retrieval means responsive to the request data received by said request data receiving means for finding from the image data storage means the image data suitable for image output to the second client device which has transmitted said request data out of the image data stored in the image data storage means in the server", as claimed in independent claim 3 (emphasis added) from p.15 of the Amendment under Remarks.

5.   However the Examiner submits that "request data receiving means" and "image data retrieval means" are inherent in a networked image data sharing system. In networked client and server devices this type of communication is known as handshaking and is inherent to the transfer of any kind of data. In order for data to be transferred, a request must be sent from the client to server, or in the reverse direction, the client must first ask permission to upload and the server then sends the ok or request for data transfer.

U.S. Patent 6,330,068 to Matsyama illustrates this kind of operation by disclosing a client submitting a request to a server to transfer an image (column 28, lines 6-15).

U.S. Patent 6,035,323 to Narayen et al. illustrates a similar operation in disclosing multiple clients in communication with a server and submitting requests to a server to view or transfer particular images (column 11, lines 5-49).

The rejection is maintained and therefore made final.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 3, 8, 10 and 11-19 are rejected under 35 U.S.C. 102(b) as

being anticipated by U.S. Patent 6,658,167 to Lee et al.

8.   With regard to claim 3, Lee discloses <u>an image registration system</u>

<u>comprising a first client device and a second client device which can</u>

<u>communicate with a server</u> (Fig. 1).

Lee further discloses <u>wherein said first client device</u> (Fig. 1,

element 110a) <u>comprises first image data transmission means for</u>

<u>transmitting to said server image data to be registered</u>, and

<u>the server</u> (Fig.1, element 100) <u>comprises image data receiving</u>

<u>means for receiving the image data transmitted from said first image data</u>

<u>transmission means in said first client device,</u>

<u>image data generation means for generating image data</u>

<u>representing the same image as an image represented by the image data</u>

<u>received by said image data receiving means and having a different form</u>

<u>of representation therefrom</u> (column 2, lines 32-47 and Fig.2, element

220), <u>and</u>

<u>image data storage means for storing the image data generated by</u>

<u>said image data generation means so as to be accessible from the second</u>

<u>client device</u> (column 2, lines 32-47).

Lee discloses a system where data or digital images are

transmitted to a server and modified according to optimization for

preferred use. The server optimizes the data or generates new image

data and inherently stores the data for use by the client.

Lee further discloses wherein said second client device (Fig. 1,

element 110b) comprises request data transmission means for

transmitting to said server request data representing a request to transmit

the image data stored in said image data storage means (Fig. 2, element

210), and the server (Fig. 1, element 100) comprises request data

receiving means for receiving the request data transmitted from the

request data transmission means in the second client device (Fig. 2,

element 210), and

image data retrieval means responsive to the request data received

by said request data receiving means for finding from the image data

storage means the image data suitable for image output by the second

client device which has transmitted said request data out of the image

data stored in the image data storage means in the server (Fig.2, element

210), and

second image data transmission means for transmitting to the

second client device the image data found by said image data retrieval

means (column 3, lines 30-40 and Fig.2, element 230). Lee discloses

several clients connected to the server capable of transferring and

requesting image data that would inherently be called from image storage

in the server. In order to transfer data in a networked environment it is

inherent that both the server and clients are able to receive requests to

transfer data. This is known as handshaking and is necessary to transfer

data.

9.   With regard to claim 8, Lee discloses an image transmission server

which can communicate with a client device, comprising:

image data generation means for generating image data

representing an image which can be outputted to the client device and

representing the same image as an image represented by fed image data

and having a different form of representation therefrom (Fig.2, element

220);

image data storage means for storing the image data generated by

said image data generation means so as to be accessible from the client

device (Fig.2, element 220);

request data receiving means for receiving request data

representing a request to transmit the image data stored in said storage

means (Fig 2, element 210);

image data retrieval means responsive to the request data received

by said request data receiving means for finding from the storage means

the image data suitable for image output by the client device which has

transmitted the request data out of the image data stored in the storage

means in the server(Fig. 2, element 220); and

image data transmission means (Fig.2, element 230) for

transmitting to the client device the image data found by said image data

retrieval means (column 2, lines 32-47 and column 3, lines 42-50). Lee

discloses a system that modifies image data to a different form or

representation in a server and then transmits the new image data to the

client for use. The features of image data storage means, request data

receiving means, image data retrieval means, and image data

transmission means are all inherent to a network system. In order to

transfer data in a networked environment it is inherent that both the server

and clients are able to receive requests to transfer data. This is known as

handshaking and is necessary to transfer data.

10.   With regard to claim 10, Lee discloses an image transmission

server, which can communicate with a client device, an image transmitting

method comprising:

generating image data representing an image which can be

outputted to the client device and representing the same image as an

image represented by fed image data and including a different form of

representation (Fig. 2, element 220);

storing the generated image data so as to be accessible from the client device;

receiving request data representing a request to transmit the stored image data (Fig. 2, element 210);

finding the image data suitable for image output to the client device which has transmitted the request data out of the stored image data in response to the receiving request data(Fig. 2, element 220); and

transmitting to the client device the found image data (Fig. 2, element 230 and column 2, lines 32-47 and column 3, lines 42-50).

Lee discloses a system that modifies image data to a different form or representation in a server and then transmits the new image data to the client for use. The features of storing the generated image data, receiving request data, finding the image data, and transmitting the image data are all inherent to a network system. In order to transfer data in a networked environment it is inherent that both the server and clients are able to receive requests to transfer data. This is known as handshaking and is necessary to transfer data.

11.   With regard to claim 11, Lee discloses an image registration system comprising:

a first client device (Fig. 1, element 110a);

a second client device (Fig. 1, element 110b); and

a server in communication with at least one of said first client

device and said second client device (Fig. 1, element 100),

wherein said server comprises:

image data receiving means for receiving image data transmitted

from said first client device,

image data generation means for generating image data suitable

for output to said second client device and representing a same image as

an image represented by said image data from said first client device

received by said image data receiving means and including a different

form of representation therefrom (column 2, lines 32-47 and Fig.2,

element 220);

image data storage means for storing said image data generated

by said image data generation means, wherein said image data is

accessible from the second client device (column 2, lines 32-47);

request data receiving means for receiving request data transmitted

from said second client device (column 3, lines 30-40 and Fig.2, element

230); and

image data retrieval means responsive to said request data from

said second client device, for retrieving said image data suitable for output

to said second client device from the image data stored in the image data

storage means (Fig.2, element 210).

Lee discloses several clients connected to the server capable of

transferring and requesting image data that would inherently be called

from image storage in the server. In order to transfer data in a networked

environment it is inherent that both the server and clients are able to

receive requests to transfer data and that data must be inherently

retrieved or called from some form of storage. This is known as

handshaking and is necessary to transfer data.

12.   With regard to claim 12, Lee discloses second image data

transmission means for transmitting to the second client device the image

data retrieved by said image data retrieval means (column 3, lines 30-40

and Fig.2, element 230). Lee discloses several clients connected to the

server capable of transferring and requesting image data that would

inherently be called from image storage in the server. In order to transfer

data in a networked environment it is inherent that both the server and

clients are able to receive requests to transfer data. It is also inherent that

data be retrieved or called from memory or storage. This is known as .

handshaking and is necessary to transfer data.

13.   With regard to claim 13, Lee discloses the image registration

system according to claim 11, wherein said image data retrieval means

retrieves, from the image data storage means, said image data suitable for

output to the second client device from the image data which is previously

generated and stored in the image data storage means (Fig. 2). Lee

discloses image data transferred to a server where it is inherently stored

modified and inherently stored again and transmitting modified image data

to another client application which must inherently request the data in a

forma of handshaking to be transmitted over a networked connection. The

data to be transferred must be inherently retrieved from memory in some

way and transferred.

14.   With regard to claim 14, Lee discloses the image registration

system according to claim 13, wherein said second image data

transmission means transmits to the second client device the previously

generated and stored image data found by said image data retrieval

means (Fig. 2).

15.   With regard to claim 15, the discussion of claims 13 applies.

16.   With regard to claim 16, the discussion of claim 3 applies.

17.   With regard to claim 17, the discussion of claim 13 applies.

18.   With regard to claim 18, the discussion of claim 10 applies. The

data must inherently be stored prior to receiving request data. It is digital

data that must reside in some form of memory.

19.   With regard to claim 19, the discussion of claim 10 applies.

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described
as set forth in section 102 of this title, if the differences between the subject matter sought to
be patented and the prior art are such that the subject matter as a whole would have been
obvious at the time the invention was made to a person having ordinary skill in the art to which
said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

Claims 4, 5 and 6 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 6,658,167 to Lee et al.

21.   With regard to claim 4, Lee discloses the image registration system

according to claim 3 (Fig. 1). Lee does not disclose a number-of-requests

counting means for incrementing the number of transmission requests

issued by said second client device. It is well known in the art that

requests for data transfer must be acknowledged in a handshaking

method to exchange information. Examiner takes official notice. Those

requests are inherently counted and acknowledged as they are received.

Therefore it would have been obvious to one of ordinary skill in the art to use a number-of-requests counting means in order to acknowledge when and how many requests are received by the server and to transfer data accordingly.

22.   With regard to claim 5, Lee discloses the image registration system according to claim 3, wherein said server comprises a first server (Fig. 1). Lee does not disclose explicitly a second server, however he does disclose the use of the Internet. It is well known in the art that the Internet or any kind of computer network contains many servers that can communicate with one another. Examiner takes official notice. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use multiple servers and clients in operation in the same way as the first server and client.

23.   With regard to claim 6, Lee discloses the image registration system according to claim 3, wherein said server comprising a first (Fig. 1). Lee does not disclose explicitly a second server, however he does disclose the use of the Internet. It is well known in the art that the Internet or any kind of computer network contains many servers that can communicate with one another. Examiner takes official notice. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use

multiple servers and clients in operation in the same way as the first

server and client.

Conclusion

24.   Applicant's amendment necessitated the new grounds of rejection

presented in the Office Action. Accordingly, THIS ACTION IS MADE

FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of

time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event

a first reply is filed within TWO MONTHS of the mailing date of this final

action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final

action.

25.   Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Wes Tucker

whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker
4-15-2004

Jon Chang
Primary Examiner